

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY SP

05 MAY 31 AM 9:00

ROBERT R. DI TROLIO
CLERK, U.S. DIST. CT.
W. D. OF TN JACKSON

ROBERT FULLER and TENE FULLER,

Plaintiffs,

v.

EAST WEST MOTOR FREIGHT, INC.

Defendant.

Case No. 05-1039 An

Jury Trial Demanded

RULE 16(b) SCHEDULING ORDER

Pursuant to the scheduling conference set by written notice, the following dates are established as the final dates for:

INITIAL DISCLOSURES (RULE 26(a)(1)): June 21, 2005

JOINING PARTIES:

for Plaintiff: **August 5, 2005**
for Defendant: **September 5, 2005**

AMENDING PLEADINGS:

for Plaintiff: **August 5, 2005**
for Defendant: **September 5, 2005**

COMPLETING ALL DISCOVERY: February 7, 2006

(a) **REQUESTS FOR PRODUCTION, INTERROGATORIES and
REQUESTS FOR ADMISSIONS:**

February 7, 2006

8

(b) EXPERT DISCLOSURE (Rule 26(a)(2)):

(i) Plaintiff's Experts: **December 7, 2005**

(ii) Defendant's Experts: **January 7, 2006**

(iii) Supplementation under Rule 26(e): **January 17, 2006**

(c) DEPOSITIONS OF EXPERTS: February 7, 2006

FILING DISPOSITIVE MOTIONS: February 8, 2006

FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):

(a) for Plaintiff: **March 24, 2006**

(b) for Defendant: **April 7, 2006**

Parties shall have 10 days after service for final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last 2 days and is **SET for JURY TRIAL on Monday, May 8, 2006 at 9:30 A.M.** A joint pretrial order is due on **Friday, April 28, 2006.** In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

OTHER RELEVANT MATTERS:

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties may consent to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.


This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

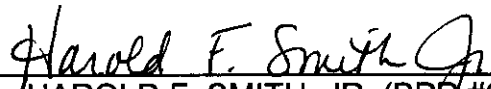
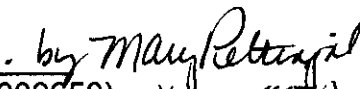
IT IS SO ORDERED.

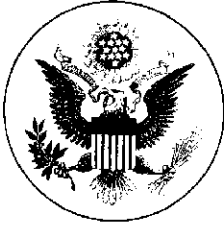

S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: May 27, 2005

APPROVED FOR ENTRY:

By: 
JERRY D. KIZER, JR. (BPR # 07652)
Attorney for Defendant
105 South Highland Avenue
P. O. Box 1147
Jackson, TN 38302-1147
(731) 423-2414

By:  by 
HAROLD F. SMITH, JR. (BPR #009650) w/ permission
Attorney for Plaintiff
1779 Kirby Parkway, No. 1-318
Memphis, TN 38138
(901) 761-6100



Notice of Distribution

This notice confirms a copy of the document docketed as number 8 in case 1:05-CV-01039 was distributed by fax, mail, or direct printing on May 31, 2005 to the parties listed.

Jerry D. Kizer
RAINEY KIZER REVIERE & BELL
105 S. Highland Avenue
Jackson, TN 38302--114

Terry Abernathy
ABERNATHY LAW FIRM
P.O. Box 441
Selmer, TN 38375

Harold F. Smith
LAW OFFICES OF HAROLD F. SMITH, JR.
1779 Kirby Pkwy.
Ste. #1-318
Memphis, TN 38138

Henry E. Seaton
SEATON & HUSK, L.P.
2240 Gallows Rd.
Vienna, VA 22182

Honorable James Todd
US DISTRICT COURT